

M443TRAS

Sentencing

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

18 CR 340 (LGS)

5 RAYMOND TRAPANI,

6 Defendant.

7 -----x

8 New York, N.Y.

9 April 4, 2022

4:00 p.m.

10 Before:

11 HON. LORNA G. SCHOFIELD,

12 District Judge

13
14 APPEARANCES

15 DAMIAN WILLIAMS

United States Attorney for the

16 Southern District of New York

17 NEGAR TEKEEI

DANIEL LOSS

Assistant United States Attorneys

18 JOSEPH A. BONDY

19 STEPHANIE R. SCHUMAN

Attorneys for Defendant

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1 THE DEPUTY CLERK: In the matter of 18 CR 340,
2 defendant number 2, United States of America v. Raymond
3 Trapani.

4 Counsel, please state your name for the record.
5 Everyone else can be seated.

6 MS. TEKEEI: Good afternoon, your Honor. Negar Tekeei
7 and Daniel Loss on behalf of the United States.

8 THE COURT: Good afternoon.

9 MR. BONDY: Good afternoon. Joseph A. Bondy and
10 Stephanie R. Schuman on behalf of Raymond Trapani.

11 THE COURT: Good afternoon. Good afternoon,
12 Mr. Trapani.

13 THE DEFENDANT: Good afternoon.

14 THE COURT: So, in case you don't know or haven't
15 heard, the protocol is that you may take your mask off if you
16 want to speak at the podium. But otherwise, you should keep
17 your mask on. And if Mr. Trapani wants to speak, he can take
18 his mask off, but I ask you to go to the podium as well. All
19 right. I can take my mask off.

20 So, we're here today to impose sentence in the case of
21 United States v. Raymond Trapani. Mr. Trapani pleaded guilty
22 to 10 counts. Conspiracy to commit securities fraud,
23 securities fraud, conspiracy to commit wire fraud, wire fraud,
24 obstruction of justice, two counts of conspiracy to commit wire
25 fraud, a substantive wire fraud count, felon in possession of a

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1 firearm, and conspiracy to distribute and possess with intent
2 to distribute narcotics.

3 All of this was pursuant to a plea agreement dated
4 July 10, 2019.

5 To prepare for the sentencing today, I've reviewed the
6 presentence report, which was last revised February 10, 2022.
7 I also have received and reviewed the defendant's unredacted
8 submission dated February 28, 2022, including letters from
9 Mr. Trapani himself, thank you, that's always helpful. I also
10 have a letter from his wife; his mother; Nicholas Trapani, his
11 brother; and Francis Trapani, his brother; his aunt Maureen Ann
12 Hagner; Christine Hunter, a nurse at Norwich Behavioral Health;
13 Anthony Bryant, an instructor at Great Escape Substance Abuse
14 Training; Jonathan Good, a friend; Alyssa Good-Krzanowski, a
15 friend; Dr. Paul Liu, who is a friend; Helene Oppedisano, his
16 mother's friend; Isaac Mayo, a friend; and Marra Mawhinney, a
17 friend. I also have various photographs of Mr. Trapani with
18 family and friends, including with his infant son. I also have
19 a certificate of training as a credentialed alcoholism and
20 substance abuse counselor from the New York State Office of
21 Addiction Services and Support.

22 On the government side I have the government's
23 submission dated February 18, 2022.

24 Is there anything I'm missing, Ms. Tekeei?

25 MS. TEKEEI: No, thank you, your Honor.

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1 THE COURT: And Mr. Bondy?

2 MR. BONDY: No, your Honor. Thank you.

3 THE COURT: I've also reviewed the transcript of
4 Mr. Trapani's guilty plea before Judge Fox on July 17, 2019,
5 and I've signed an order accepting your plea.

6 Mr. Bondy, have you read the presentence report and
7 discussed it with your client?

8 MR. BONDY: Yes, your Honor.

9 THE COURT: Mr. Trapani, have you read the presentence
10 report and discussed it with your lawyer?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Did you have an opportunity to identify
13 for him any mistakes or errors in the report?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: Did you have a chance to do that, to find
16 mistakes or errors?

17 THE DEFENDANT: Oh, yes, I had the chance.

18 THE COURT: Did you also have the opportunity to
19 discuss with him any information that should be brought to the
20 Court's attention for sentencing?

21 THE DEFENDANT: Yes, I had the chance.

22 THE COURT: Let me ask the government, have you had a
23 chance to review the presentence report?

24 MS. TEKEEI: Yes, your Honor.

25 THE COURT: So, I'll ask Ms. Tekeei first, putting

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1 aside the calculation of the sentencing guidelines, are there
2 any objections to the report regarding its factual accuracy?

3 MS. TEKEEI: No, your Honor.

4 THE COURT: Mr. Bondy, do you have any objections?

5 MR. BONDY: No, your Honor.

6 THE COURT: I direct that a complete copy of the
7 presentence report be prepared for the Bureau of Prisons and
8 the Sentencing Commission. The report will be made a part of
9 the record in this matter and placed under seal. If an appeal
10 is taken, counsel on appeal may have access to the sealed
11 report without further application.

12 Since I heard no objections, I am adopting the factual
13 recitations in the report.

14 So, although the Court is no longer required to follow
15 the sentencing guidelines, I think you know that I have to
16 consider them. And so, to do that, I need to calculate what
17 the guidelines recommend for your sentence. Although there is
18 an agreement here between Mr. Trapani and the government, the
19 parties did not agree to a calculation of the sentencing
20 guidelines, but the presentence report of course includes a
21 calculation.

22 Is there any objection to the calculation in the
23 presentence report, Mr. Bondy?

24 MR. BONDY: No, your Honor.

25 THE COURT: Ms. Tekeei?

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1 MS. TEKEEI: No, your Honor.

2 THE COURT: So, based on the absence of objection, and
3 my independent evaluation of the sentencing guidelines, I
4 accept the calculation in the presentence report. I find the
5 offense level is 30 and criminal history category is III.

6 For those of you who are guests here, the sentencing
7 guidelines are advisory, I'm required to consider them. And
8 there are basically two variables, one is a defendant's
9 criminal history and the other is the seriousness of the
10 offense. And you put those two things together and you come up
11 with what the recommended sentence is, which, as I said, is
12 advisory, I don't have to follow it, but I have to consider it.

13 Here, the recommended sentence is a term of
14 imprisonment of 121 to 151 months, a fine of \$30,000 to \$5
15 million, supervised release on Counts One to Nine of one to
16 three years, and on Count 10, three years, which is a mandatory
17 amount of supervised release.

18 Under the statute, I can sentence Mr. Trapani to a far
19 greater sentence. The maximum term of imprisonment on Count
20 One is five years, on Counts Two through Eight and 10 is 20
21 years per count, and on Count Nine is 10 years.

22 So the maximum term of imprisonment is 175 years.

23 The maximum fine on Counts One and Three through Nine
24 is \$250,000 per count for a total of 2 million, on Count Two is
25 5 million, on Count 10 the maximum is 1 million. That means

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1 the total fine is a total of 8 million.

2 Supervised release under the statute is a maximum of
3 three years on Counts One through Nine and a mandatory minimum
4 and maximum of life on Count 10 with any term of supervised
5 release to be served concurrently.

6 And under the statute, there is the possibility of
7 probation of one to five years per count.

8 I'm required to impose an assessment of \$100 per count
9 so that's \$1,000. I will impose that because I don't have
10 discretion there.

11 And I have a form of order for restitution and
12 for forfeiture, but I am not sure what the status is.

13 MS. TEKEEI: Sure. Thank you, your Honor. With
14 respect to the forfeiture amount, we respectfully request the
15 Court verbally announce forfeiture today, consistent with
16 what's set forth in the proposed order which is \$2.4 million in
17 connection with Count One, \$40,000 in connection with Count
18 Six, \$500,000 in connection with Count Seven, \$50,000 in
19 connection with Count Eight, and with respect to Count Nine,
20 forfeiture of the Glock Model 43 9-millimeter pistol that's the
21 subject of Count Nine.

22 THE COURT: I'm looking for Count Nine. The firearm.
23 Okay.

24 MS. TEKEEI: But, we understand that counsel and
25 Mr. Trapani would like a little bit more time to look at the

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1 particular language of the proposed order, which we have no
2 objection to. So with the Court's permission, we'll submit
3 consented to proposed orders of forfeiture and also with
4 respect to restitution -- with respect to restitution
5 forthwith.

6 THE COURT: Okay. Is there an agreement on the
7 forfeiture amount? Let me ask Mr. Bondy that.

8 MR. BONDY: There is general agreement, and we'd like
9 some time to go over the exact figures, your Honor; yes, that's
10 correct.

11 THE COURT: So, you have no objection to my
12 pronouncing these amounts as part of the sentence for
13 forfeiture. Is that right?

14 MR. BONDY: I think that the amounts in general are
15 correct. There might be a small deviation from that amount in
16 the final order, though.

17 THE COURT: Okay. Ms. Tekeei?

18 MS. TEKEEI: Your Honor, I think that Mr. Trapani -- I
19 understand through counsel there are some documents Mr. Trapani
20 would like to review before agreeing to the proposed order.

21 As the Court is aware, Mr. Trapani pled guilty
22 pursuant to a cooperation agreement. There were offenses that
23 he pled guilty to that he made the government aware of and that
24 he has the records relating to it. The parties have been in
25 constant communication to reach agreement on the forfeiture

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1 amounts. I expect we will be able to reach agreement on the
2 proposed order that we submit to the Court. There may be some
3 minor differences in what we have currently proposed with what
4 we ultimately propose. But we're very much I think largely on
5 the same page with respect to the overall forfeiture that's
6 been proposed.

7 THE COURT: Do I need to pronounce the amount as part
8 of the sentence today?

9 MS. TEKEEI: That's my understanding, your Honor. To
10 the extent that the amounts that we propose in the final
11 preliminary order of forfeiture differ, I think the Court would
12 simply amend the judgment of conviction to reflect any
13 additional -- any changes in those amounts.

14 THE COURT: Okay. Mr. Bondy, do you have any
15 objection to proceeding in that way?

16 MR. BONDY: No, your Honor. I agree.

17 THE COURT: Okay. With respect to restitution, what's
18 the status of the parties' discussions or agreement?

19 MS. TEKEEI: Similarly, your Honor, I think it's a
20 matter of Mr. Trapani and his counsel just reviewing the
21 paperwork they may have that confirms the amounts that we have
22 discussed and we presented to the Court. Again, largely
23 because these are crimes to which Mr. Trapani made the
24 government aware, he has more information about the final
25 details and amounts than we do. And we've had very reasonable

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1 open discussions about what makes sense for restitution
2 purposes. We expect to reach agreement on that as well.

3 THE COURT: Thank you.

4 Are there any objections to the sentencing options
5 I've outlined, Ms. Tekeei?

6 MS. TEKEEI: No, your Honor.

7 THE COURT: Mr. Bondy?

8 MR. BONDY: No, your Honor.

9 THE COURT: Would the government like to make its 5K.1
10 motion for departure from the applicable guidelines.

11 MS. TEKEEI: Yes, your Honor.

12 THE COURT: Would you mind going to the podium to do
13 that.

14 MS. TEKEEI: Absolutely. I don't mind, your Honor.

15 THE COURT: Okay.

16 MS. TEKEEI: Your Honor, there can be no question that
17 Mr. Trapani's crimes were very serious. However, Mr. Trapani's
18 cooperation has been nothing short of extraordinary. He was
19 fully forthcoming and candid in all of his dealings with the
20 government. His cooperation was extensive and wide ranging,
21 and frankly, critical to the convictions and sentencings of his
22 co-defendants in this case.

23 In addition, as the Court is aware, Mr. Trapani made
24 the government aware of multiple other crimes that he
25 committed, that he pled guilty to and has accepted

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1 responsibility for.

2 In light of that, and in light of what is discussed in
3 our more detailed sentencing submission, the government moves
4 pursuant to Section 5K1.1 of the sentencing guidelines that the
5 Court sentence Mr. Trapani in light of the factors set forth in
6 that section.

7 THE COURT: Thank you. I have reviewed your written
8 submission. Based on that and your argument, I will grant the
9 government's motion and consider the 5K.1 factors in
10 determining the sentence.

11 MS. TEKEEI: Thank you, your Honor.

12 THE COURT: Is there anything else you'd like to say
13 in regard to sentencing as long as you have the floor?

14 MS. TEKEEI: Not unless the Court has any questions.
15 I am aware of time constraints today. So our submission sets
16 forth all of our views.

17 THE COURT: Thank you.

18 Mr. Bondy.

19 MR. BONDY: Thank you. Thank you very much, your
20 Honor.

21 It was almost four years ago to the day that
22 Mr. Trapani was arrested on April 17. And I came to meet
23 Raymond Trapani in the Southern District when he was removed
24 from Florida and he participated in a rehabilitation program.

25 When I met him, he was a very different person. He

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1 was maybe 50 pounds lighter. He had gone through tremendous
2 drug addiction for a variety of years. And I've spent a lot of
3 my time studying the people that I represent and how to have
4 them recover, if you will, and stand in front of a Court one
5 day and to be proud of who they are.

6 And I find that you sometimes have to hit rock bottom
7 before you can ever be in a position to try to bring yourself
8 up. And Ray was at rock bottom. When you reach rock bottom,
9 there is no guarantee that you'll ever make it up again. You
10 have to try hard, and you have to overcome a lot. And I know
11 Raymond Trapani from that day, I remember his mother calling me
12 hysterically and asking if I would serve as his counsel, and it
13 was quite an honor and a privilege.

14 But for four years it has been an honor and privilege
15 to see what you've been doing, Mr. Trapani, and to watch you
16 and talk to you and remain in contact all the time with
17 Mr. Trapani, with his family. The Court knows now that today
18 is an auspicious day for him because his wife is currently in
19 the hospital and they're about to have their second child.

20 I laid out a lot of things in our sentencing
21 submission today and I know the Court has reviewed it in
22 detail, including the letters of family and the letters of
23 friends and understands Mr. Trapani had a really
24 extraordinarily trying childhood. He didn't have the luxuries
25 some of us take for granted, whether it is the strength of a

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1 family unit with a father figure in it, or the ability to
2 continue in an environment you feel safe as a kid.

3 But when he came before this courtroom, the first
4 thing he decided to do was to try to mitigate what he had done
5 and to try to be reliable and truthful and complete and honest
6 and to admit everything in his entire life he was responsible
7 for, even things he was never charged with.

8 He assumed a lot of that weight because he knew in his
9 heart it was the right thing to do, and he wanted to be able to
10 turn that leaf.

11 So, when you talk about the gravity of the offense,
12 it's huge. When you talk about the gravity of the efforts to
13 make up for that, as the government has cited, they were
14 extraordinary. You talk about what it means to respect the law
15 and what a just punishment is, I think respect for the law
16 involves giving a person who cares enough to try to overcome
17 the tribulations Mr. Trapani suffered and opportunity to do so
18 in their life. An opportunity to do good. An opportunity to
19 be the father that he loves to be, that he never in his own
20 life experienced. And to save himself for those beautiful
21 experiences of family and connectedness.

22 He'll never be in front of you again for any type of
23 crime. He won't be in front of a judge anywhere in the world
24 for any type of crime. Maybe one day he'll be able to serve on
25 a jury. Maybe one day he'll be able to be in a courtroom for

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1 something else. He's been deterred completely. And for four
2 years he has shown the Court that he has been deterred
3 completely.

4 He has lived under the shadow, under the cloud of
5 facing a 10 year or more -- up to 175-year sentence in the
6 penitentiary, while at the same time grappling with the fact
7 that he was cooperating with the government, and it did cause
8 him at certain points a little degree of risk.

9 He's received -- and this something that's unique. He
10 has become a certified substance abuse and alcohol counselor in
11 the State of New York. And wants to take the gift that he's
12 now created, he's turned this nightmare into a gift of his. We
13 turn something into a beautiful thing. If it's from a tough
14 place and you work it in the right way, the things that hurt
15 you become beautiful.

16 Ray is now in a position to try to help other people,
17 young people going through the same types of things that he
18 went through, in a country living through the scourge of an
19 opioid addiction that's destroying children everywhere. To try
20 to help them and be a bridge to them, by virtue of his own
21 experience and his own candor and the person that he is.

22 I hope to never lose contact with Ray Trapani. I hope
23 to know Ray Trapani until the day I die. I think it's a
24 privilege and an honor to be part of his extended family and
25 they've all brought me in in a beautiful way.

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1 Disparities in sentencing are offset by I would say
2 the extraordinariness of the cooperation. And then you start
3 to look to cooperators who are extraordinary and all the stuff
4 that they've done, and again, the factors are simple. It was
5 the danger, there was the completeness, there was the speed,
6 there was the value of the cooperation as set forth in the
7 government's submission.

8 And so, 1400-some-odd days later we stand before you
9 asking that you not send Mr. Trapani to jail, but allow him to
10 continue his rehabilitative course and to help all the other
11 people that he has the power and the talent and the wish to
12 help in having a better life.

13 I believe that the interests of justice would be
14 served in imposing a time served sentence. I believe under 18
15 U.S.C. 3553(a) that would be a sentence that is sufficient, but
16 no greater than necessary to achieve all of the objectives of
17 punishment. Restitution would be made quicker. All of the
18 other factors that are identified in the statute would be best
19 served by allowing Mr. Trapani to continue with his life on
20 supervised release as a structural aid to show the Court that
21 he indeed can continue to make it, and to allow him to begin to
22 continue to unfold as the beautiful flower that he really is.
23 Thank you.

24 I know Mr. Trapani does want to address the Court.

25 THE COURT: Mr. Trapani, now is your opportunity. You

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1 don't have to speak. But now is the time if you would like to.

2 THE DEFENDANT: Thank you.

3 Thank you, your Honor, for allowing me to address the
4 Court personally.

5 Today is a very heavy day for me. I'm sorry if I
6 don't seem composed. I'm highly anxious. And it is an insane
7 day for me.

8 The process of cooperating with the government has
9 allowed me to see another side of the world, and for that I
10 would like to thank AUSA Negar Tekeei and former AUSA Samson
11 Enzer who is not here today. I have always felt they have
12 treated me fairly and showed they genuinely cared about me as a
13 person and my recovery as an addict.

14 Before my arrest, I was on the brink of death on drugs
15 and my own worst enemy. Since my arrest and cooperation, I
16 have made great strides forward in life. I've become a
17 husband, a father, and a mentor in the addiction community.
18 I've also become someone my friends and family can depend on.
19 I've surrounded myself with the proper support of positive
20 people, while removing any negative influences from my life. I
21 want to be someone my friends and family are proud of.

22 I would like to greatly thank my wife Kimberly, who is
23 not here today. My lawyer Joseph Bondy, my friends and my
24 family for supporting me. I know the things I have done are
25 wrong and I understand they have affected many people's lives.

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1 I hope my actions since my arrests will help make as many
2 people whole as possible.

3 I cannot take back the things I've done, and I will
4 forever have to live with the guilt and remorse for my actions.
5 But I know I can add something positive to this world. I love
6 being a father and a husband, and I also love being sober. And
7 through my addiction counseling, I hope I can prevent others
8 from making the same mistakes I have made. With how far I've
9 come, I know I'll never be in front of another judge again.

10 Thank you, your Honor.

11 THE COURT: Thank you. I'm required to allow any
12 victim who is present to be reasonably heard.

13 Ms. Tekeei, are you aware of any victims in the
14 courtroom?

15 MS. TEKEEI: No, your Honor. I am not.

16 THE COURT: Is there any reason why sentence should
17 not be imposed, Ms. Tekeei?

18 MS. TEKEEI: No, your Honor.

19 THE COURT: Mr. Bondy?

20 MR. BONDY: No, your Honor.

21 THE COURT: So as I've stated the guidelines
22 recommendation in this case is 121 to 151 months, which is
23 equal to a little over 10 years to over 12 years' imprisonment.
24 But, that is just one factor that the Court is required to
25 consider in determining the appropriate sentence. I'm also

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1 required to consider other factors that are set out in the
2 statute that Mr. Bondy referred to, 18 U.S.C. 3553(a). And
3 those include, foremost, the nature and circumstances of the
4 offense, as well as your own personal history and
5 characteristics. And I include in that your cooperation with
6 the government, which I've now heard both in writing and here
7 today was extraordinary. I'm also required to impose a
8 sentence that reflects the seriousness of the offense, promotes
9 respect for the law, provides just punishment for the offense,
10 and also that affords adequate deterrence to criminal conduct.

11 And I believe your statement is sincere, that you have
12 no intention of appearing before a Court, whether it's me or
13 someone else here or somewhere else again. And I take you at
14 your word.

15 I'm also required to avoid unwarranted sentence
16 disparities amongst people who are similarly situated. But as
17 your lawyer points out, there is no one else in this case who
18 has cooperated, much less in the manner that you have
19 cooperated. And as I said, I am very much considering your
20 cooperation with the government.

21 I'm required to impose a sentence that is sufficient,
22 but no greater than necessary, to accomplish all of these
23 purposes. I find the sentence I'm about to pronounce does
24 that.

25 So I've thought carefully about the appropriate

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1 sentence in this case, in light of the 3553 factors, and the
2 appropriate purposes of sentencing, and I have to start with
3 the offense which is where I start thinking about any sentence.

4 You pleaded guilty to 10 counts, which is an enormous
5 amount of criminal activity, especially for one as young as you
6 are. And primarily, and the reason this case comes to me, is
7 because you and your co-conspirators were engaged in a scheme
8 to defraud victims into investing more than \$35 million to
9 purchase digital tokens called CTR tokens issued by a company
10 called Centra Tech. And as you may know, we're still very much
11 involved in trying to work out the details of how to recompense
12 the victims of this crime, to the extent we're able to do that.

13 You also pleaded guilty to several other offenses,
14 some related. Obstructing the SEC's investigation of Centra
15 Tech by destroying a laptop. You have been involved in other
16 loan and fraud schemes from around 2014 to 2017 resulting in
17 losses over \$500,000.

18 There are also other crimes that you confessed to that
19 the government didn't know about. You illegally possessed a
20 firearm for several months in 2018. You conspired with others
21 earlier than that, between 2009 and 2012, to possess and
22 distribute cocaine, marijuana, heroin, and prescription pills.
23 I know you were arrested in April 2018 and released on
24 April 25, 2018, so just a few days later.

25 And I'm also aware of and very much taking into

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1 account your personal circumstances. This is your fourth
2 criminal conviction with previous convictions for disorderly
3 conduct, creating a hazardous or physically offensive
4 condition, as well as perjury and other crimes.

5 You're 31 years old and a U.S. citizen. Everything
6 I've said so far does not paint a very good picture, obviously.

7 On the other hand, I note you had a very difficult
8 upbringing. And I know you have family here, so I don't think
9 there is any need to detail all of the history, but I certainly
10 have read about it, and I understand that it was very difficult
11 in your relationships with many family members.

12 I understand you began smoking marijuana at age 13,
13 and using Xanax and Percocet recreationally from around ages 14
14 to 16. I understand that these were during those difficult
15 times. I'm sure there was some relationship between all of
16 these things.

17 I understand when you were in a car accident when you
18 were 16 and had to have multiple surgeries to your face. You
19 were prescribed OxyContin for pain, which led to an addiction
20 and ultimately your dropping out of high school.

21 During much of your 20s, I understand from the
22 presentence report, your own statement, as well as statements
23 of those close to you, that you were addicted to drugs, you
24 were addicted to opiates and Xanax, you also had a gambling
25 addiction, and you attempted rehabilitation I read

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1 approximately 13 times, but were unable to stay clean.

2 I sincerely hope with the support you have this time,
3 that this will be completely different, and I take some comfort
4 from the fact you have stayed clean for as long as you have.

5 I understand, though, that it was during this time
6 that you reconnected with your high school acquaintance
7 Mr. Sharma who was obviously a co-defendant, and began an
8 exotic car rental business with him before entering into the
9 partnership that you brought you here in this case.

10 I also understand how much your life has changed. Not
11 only have you been able to give up drugs, and I understand that
12 drug addiction is an illness. It is not an easy thing to deal
13 with. It is not just a matter of saying I'll be strong. So I
14 very much admire and respect what you've done and the work
15 you've done to overcome your addiction.

16 But I also know you are now married, you have a
17 one-year-old son and will imminently have another child.
18 Congratulations. Sorry to take you away from that. But better
19 to have this behind you.

20 THE DEFENDANT: Thank you.

21 THE COURT: And I understand you are now in good
22 physical health. And I also know that since January 2021, you
23 completed a program to become a credentialed alcoholism and
24 substance abuse counselor. And that you've participated in a
25 social work internship related to that at Norwich. I read the

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1 letters from your family members. I also see them here. That
2 means a lot. Nobody can do this alone. It takes a lot of work
3 to rebuild your life. So I want to thank your family members
4 and friends for being here and supporting you, but also helping
5 you to continue to do that in the future, because I know that
6 it's ongoing work. These issues are not something that you can
7 easily put behind yourself.

8 Your family portrays you as a loving and caring
9 father, brother and husband and son. Your wife said that you
10 exemplify the characteristics of a loving father and supportive
11 husband. Your mother wrote proudly that Raymond is today a son
12 that any parent would be proud of. And so on. I won't repeat
13 all of the statements from the letters, but I am certainly
14 aware of another side to you and people who care about you, and
15 not just the very serious criminal history that you have behind
16 you.

17 I'm also very much influenced by the government's
18 report of your cooperation. I'm not sure I've ever heard the
19 word "extraordinary" used in connection with cooperation, and
20 now I've heard it multiple times. But, your cooperation was
21 described as extraordinary and thorough, complete, prompt, and
22 extremely valuable at every stage of the case, from the
23 investigation to sentencing of your co-defendants. That weighs
24 very heavily. And I will just tell you, your sentence would
25 have been very different, even if you had pleaded only to the

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1 crimes the government knew about, if you had not cooperated.

2 So, although I am required to consider the offenses
3 and sentences of your co-defendants. They're obviously in a
4 different category because they didn't cooperate, so that's not
5 very meaningful to me.

6 The probation department and your lawyer both
7 recommend a below guideline sentence of time served. The
8 government does not make a specific request, as is its usual
9 practice, but it asks that you be sentenced in light of the
10 factors set forth in Section 5K1.1, meaning in light of your
11 cooperation.

12 So I will now state the sentence I intend to impose.
13 But the attorneys will have a final opportunity to make legal
14 objections before the sentence is final.

15 So Mr. Trapani, would you please stand.

16 After assessing the particular facts of this case, the
17 factors under Section 3553(a) including the sentencing
18 guidelines, I conclude that a sentence below the guidelines is
19 justified as follows.

20 Mr. Trapani, it is the judgment of the Court that you
21 are sentenced to a term of imprisonment of time served and a
22 period of three years' supervised release on all counts,
23 concurrently.

24 Supervised release is not intended as a punishment,
25 but to try to give you support to continue on the path that

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1 you're on. There are conditions to supervised release that are
2 sort of similar to bail conditions. I won't repeat them all
3 here. They are in the presentence report. I'm imposing the
4 conditions verbatim, meaning word for word, using the exact
5 language that's in the report except as I will explain. You
6 may be seated.

7 I'm imposing the mandatory conditions on pages 52 and
8 53 of the report, except the mandatory drug testing condition
9 is suspended because I will impose a special condition of drug
10 treatment.

11 I'm imposing the standard conditions on pages 53 and
12 54 without change, and I'm imposing the special conditions on
13 pages 54 and 55, and you'll be supervised in the district of
14 your residence.

15 I'm not going to impose a fine. The amounts that are
16 written in the proposed order of restitution and the proposed
17 order of forfeiture are very significant. I believe with those
18 financial responsibilities, you will not have the ability to
19 pay a fine so I'm waiving the fine.

20 I have a proposed order of forfeiture which I
21 understand from the government still needs to be worked out in
22 terms of the details. And so, I'll append a separate order of
23 forfeiture to the judgment, and it will be that order that will
24 govern the judgment. I will say that the order that I have in
25 front of me calls for a forfeiture amount of \$2.9 million.

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1 \$2.4 million represents proceeds traceable to the offenses in
2 Counts One through Four, and that means that you share the
3 responsibility for that amount with the other defendants,
4 you're jointly and severally liable. And then in addition to
5 that, you are being held responsible, at least under this form
6 of order, for \$590,000, and that is you personally in
7 connection with \$40,000 Count Six, \$500,000 Count Seven,
8 \$50,000 Count Eight. In addition to that, a forfeiture of a
9 firearm related to the offense in Count Nine.

10 I also have a proposed order of restitution, and in my
11 judgment, I will simply refer to the appended order of
12 restitution and the final order is what will govern.

13 In the order that I have in front of me there is a
14 total restitution amount of \$90,000, which is \$40,000 to the
15 victims of the offense charged in Count Six, which a wire fraud
16 charge, and \$50,000 in Count Eight, which is a wire fraud
17 substantive charge.

18 There is also a special assessment I think I mentioned
19 I have to impose, it is \$1,000, because it is \$100 per count.
20 And that amount will be due immediately.

21 Does either counsel know of any legal reason why the
22 sentence should not be imposed as stated?

23 Ms. Tekeei?

24 MS. TEKEEI: No, your Honor.

25 THE COURT: Mr. Bondy?

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1 MR. BONDY: No, your Honor.

2 THE COURT: The sentence as stated is imposed.

3 Mr. Trapani, I hope you understand that it would not have been
4 that difficult to decide that some period of incarceration was
5 important or necessary, even though you had extraordinary
6 cooperation. But, I really didn't want to interrupt the path
7 that you're on, because you seem to be doing so well.

8 You should understand, though, that if you get off the
9 path, you violate your conditions of release, you will find
10 yourself in this courtroom again.

11 So, I wish you the very best of luck. And also
12 congratulations on the birth of your child which is upcoming.

13 THE DEFENDANT: Thank you.

14 THE COURT: So, the sentence as stated is imposed.
15 Applications, I don't think there are there any open counts.

16 MS. TEKEEI: Yes, your Honor. The government moves to
17 dismiss the underlying indictment against Mr. Trapani.

18 THE COURT: That motion is granted.

19 You may have the right to appeal your conviction and
20 sentence. If you are unable to pay the cost of appeal, you may
21 apply for leave to appeal in forma pauperis. The notice of
22 appeal must be filed within 14 days of the judgment of
23 conviction.

24 I just want to thank your friends and family again for
25 being there for you. It makes a huge amount of difference in

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1 the decision of the sentencing judge.

2 So, thank you, and please help and take good care of
3 Mr. Trapani.

4 We are adjourned.

5 MS. TEKEEI: Thank you, your Honor.

6 (Adjourned)